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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,365	02/20/2004	Richard Carey	STNL 2656001	2391
21909	7590	12/24/2009	EXAMINER	
CARR LLP 670 FOUNDERS SQUARE 900 JACKSON STREET DALLAS, TX 75202			PHAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2128	
			MAIL DATE	DELIVERY MODE
			12/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,365	Applicant(s) CAREY, RICHARD	
	Examiner Thai Phan	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 is/are allowed.
- 6) ☒ Claim(s) 29-34, 36-47 and 49-53 is/are rejected.
- 7) ☒ Claim(s) 35 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/29/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to applicant filed RCE application on October 10, 2009. Claims 1- 53 are pending in the Action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-34, 36-47, and 49-53 are rejected under 35 U.S.C. 102(e) as being anticipated by MacInnes et al, US patent application publication no. 2005/0081161.

As per claim 29, MacInnes anticipated a method for designing an architectural feature, comprising: selecting a unit from a plurality of units, wherein the unit at least corresponds to an architectural feature, and wherein the unit comprises: an arrangement of a plurality of parts; at least one parametric equation defining at least one physical dimension of the arrangement ([0015]), the physical dimension comprising a measurement of the arrangement; and at least one control dimension comprising a measurement of the arrangement, the at least one control dimension comprising an input of the at least one parametric equation; inputting a value of the at least one control dimension; and in response to inputting the value of the at least one

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control dimension, parametrically calculating, using the at least one parametric equation, the at least one physical dimension of the arrangement ([0057], [0092]-[0095], [0120], and Table 18).

As per claim 30, MacInnes disclosed the method further comprising selecting a primary view of the unit from a plurality of primary views, wherein the primary view determines an overall shape of the arrangement of the plurality of the parts ([0013], [0015], Table 8, Table 16).

As per claim 31, MacInnes disclosed the method of claim 29, further comprising adding an additional feature to the unit ([0016] and [0035]).

As per claim 32, the method of claim 29, further comprising selecting a profile of a plurality of profiles for a part of the plurality of parts, wherein the profile determines at least a two-dimensional view of the part.

As per claim 33, MacInnes disclosed the method of claim 32, wherein the arrangement determines at least a two-dimensional view of the unit comprising a spatial dimension different from the two dimensions in the two-dimensional view determined by the profile ([0016], [0101], [0102], and [0105]).

As per claim 34, MacInnes disclosed the method of claim 32, further comprising selecting an offset for the part, the offset comprising an amount of translation of the part from a default backing position.

As per claim 36, the method of claim 29, wherein the arrangement determines a relative size of at least two parts of the plurality of parts.

As per claim 37, the method of claim 29, wherein the arrangement determines a relative position within the arrangement of at least two parts of the plurality of parts.

As per claim 38, the method of claim 29, wherein the arrangement determines at least a two- dimensional view of the unit.

As per claim 39, the method of claim 38, further comprising:
graphically displaying the two-dimensional view of the unit;
graphically displaying a relationship between the at least one control dimension and the at least one physical dimension; and graphically displaying a relationship between the at least one control dimension and the arrangement.

As per claim 40, MacInnes disclosed the method of claim 29, further comprising generating a drawing of the architectural feature from the unit.

As per claim 41, MacInnes disclosed the method of claim 29, further comprising constructing the architectural feature in accordance with the arrangement.

As per claim 42, MacInnes anticipated a computer program product for designing an architectural feature, the computer program product embodied on a tangible computer readable medium, the computer program product comprising:

computer code for selecting a unit from a plurality of units, wherein the unit at least corresponds to an architectural feature, and wherein the unit comprises an arrangement of a plurality of parts ([0015]);

at least one parametric equation defining at least one physical dimension of the arrangement, the physical dimension comprising a measurement of the arrangement; and at least one control dimension comprising a measurement of the arrangement, the

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at least one control dimension comprising an input of the at least one parametric equation; computer code for inputting a value of the at least one control dimension; and computer code for, in response to inputting the value of the at least one control dimension, parametrically calculating, using the at least one parametric equation, the at least one physical dimension of the arrangement ([0057], [0092]-[0095], [0120], and Table 18). .

As per claim 43, the computer program product of claim 42, further comprising computer code for selecting a primary view of the unit from a plurality of primary views, wherein the primary view determines an overall shape of the arrangement of the plurality of the parts.

As per claim 44, the computer program product of Claim 42, further comprising computer code for adding an additional feature to the unit.

As per claim 45, the computer program product of Claim 42, further comprising computer code for selecting a profile of a plurality of profiles for a part of the plurality of parts, wherein the profile determines at least a two-dimensional view of the part.

As per claim 46, the computer program product of Claim 45, wherein the arrangement determines at least a two-dimensional view of the unit with a spatial dimension different from the two dimensions in the two-dimensional view determined by the profile.

As per claim 47, the computer program product of Claim 45, further comprising computer code for selecting an offset for the part, the offset comprising an amount of translation of the part from a default backing position.

As per claim 49, MacInnes disclosed the computer program product of wherein

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the arrangement determines a relative size of at least two parts of the plurality of parts.

As per claim 50, MacInnes disclosed the computer program product, wherein the arrangement determines a relative position within the arrangement of at least two parts of the plurality of parts.

As per claim 51, the method of claim 42, wherein the arrangement determines at least a two- dimensional view of the unit.

As per claim 52, the method of claim 51, further comprising:
graphically displaying the two-dimensional view of the unit;
graphically displaying a relationship between the at least one control dimension and the at least one physical dimension; and graphically displaying a relationship between the at least one control dimension and the arrangement.

As per claim 53, the computer program product of claim 42, further comprising computer code for generating a drawing of the architectural feature from the unit.

Allowable Subject Matter

Claims 1-28 are allowed.

Claims 35 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims are directed to a method and computer program codes for determining the selected offset exceeds an error point, the error point comprising an indication of when an offset causes a feature of the profile to be disturbed or destroyed; and computer code for, if the selected offset exceeds the error point, generating a notification that the selected offset exceeds the error point.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is 571-272-3783. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 18, 2009

/Thai Phan/
Primary Examiner, Art Unit 2128